

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

U.S. BANK NATIONAL ASSOCIATION,  
ET AL.,

*Plaintiffs,*

v.

JOSEF M. LAMELL AKA J.M. ARPAD  
LAMELL,

*Defendant.*


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CIVIL ACTION H-19-2402

**FINAL JUDGMENT**

Pursuant to the order adopting Magistrate Judge Christina Bryan's Amended Memorandum and Recommendation on March 24, 2021, U.S. Bank National Association's ("USBNA") and PHH Mortgage Corporation's ("PHH") motion for summary judgment (Dkt. 32) is GRANTED IN PART and DENIED IN PART. The court GRANTS USBNA's and PHH's motion for summary judgment with respect to their claims for declaratory judgment that (1) res judicata bars Lamell's statute of limitations defense; (2) they are entitled to pay taxes on the Property; (3) they are entitled to pursue non-judicial foreclosure; and (4) they are entitled to equitable and contractual subrogation based on the use of the Note proceeds to pay all prior amounts owed on the Property. The court DENIES the motion for summary judgment as to USBNA's and PHH's request for declaratory judgment that the pre-2019 notices of acceleration were abandoned. Since the court has ruled on all pending claims, final judgment is GRANTED in favor of plaintiffs.

Signed at Houston, Texas on March 24, 2021.

  
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Gray H. Miller  
Senior United States District Judge